IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 16222 of 2004

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Between:

K.Helen Annamani D/o. Emmanuel
R/o. Machilipatnam, Krishna District.

..... PETITIONER

AND

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1 The Government of Andhra Pradesh rep. by its Principal

Secretary, Education Department, Secretariat,

Hyderabad.
2 The Government of Andhra Pradesh Education

Department rep. by its Secretary, Secretariat,

Hyderabad.
3 The Convenor ED-CET-2004 and Regional Joint

Direction of School Education, Kakinada,
East Godavari District.
4 The District Educational Officer Krishna District,

Machilipatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, more particularly one in the nature of writ of mandamus declaring the action of the respondents in applying the Rule of 45% marks in so far as petitioner is concerned as illegal, arbitrary and violative of Article 14 of the Constitution of India and consequently direct the respondents to allow the petitioner to writ Ed-CET-2004-2005 and permit the petitioner in further process of the examination.

Counsel for the Petitioner: MR.PEETARAMAN

Counsel for Respondent: GP FOR EDUCATION

The Court at the admission stage made the following :

ORDER:

The petitioner, who passed B.A examination during the year October 1997 filed this writ petition questioning the admission Rule prescribing that one should have 45% marks in optional subjects to write Ed-CET examination.

It is well settled that prescription of eligibility conditions of minimum marks secured in a subject cannot be the subject matter of judicial review unless the prescription of the same is arbitrary and illegal.

In view of the same, the submission made by the learned counsel for the petitioner that the petitioner passed the qualifying examination, and stipulation of the condition that a candidate, who is aspiring to write Ed-CET, shall secure 45% of marks in the optional subjects, cannot be fulfilled as the petitioner passed the qualifying examination much before the said rule and she may be allowed to continue for future studies, cannot be accepted.

Accordingly the Writ Petition is dismissed at the admission stage.

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A. Gopal Reddy, J.

10th September, 2004.

Js.

ASSISTANT REGISTRAR

To

1 The Government of Andhra Pradesh rep. by its Principal

Secretary, Education Department, Secretariat,

Hyderabad.

2 The Government of Andhra Pradesh Education

Department rep. by its Secretary, Secretariat,

Hyderabad.

3 The Convenor ED-CET-2004 and Regional Joint

Direction of School Education, Kakinada,
East Godavari District.

4 The District Educational Officer Krishna District,

Machilipatnam.

5 2 CCs to G.P. for Education, High Court Buildings, Hyderabad.

6 2 CD copies.